

REMARKS

Objection to Claim of Priority

In the Office Action, the Examiner asserted that Applicants had not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. § 120.

Applicants respectfully submit that they are unaware of any error in their claim of priority.

Applicants note that the Updated Filing Receipt mailed on July 1, 2002, correctly states the domestic prior data as claimed by the applicant. Accordingly, Applicants respectfully request that this objection be withdrawn.

Double Patenting Rejection

In the Office Action, Claim 4 was rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over Claim 1 of U.S. Patent No. 6,382,845. In response to the double patenting rejection, Applicants submit herewith a timely-filed terminal disclaimer and fee. Accordingly, Applicants request that the double patenting rejection be withdrawn.

Obviousness Rejections

In the Office Action, Claims 1-3 and 5-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Swanson et al. Applicants submit that there is no motivation or suggestion to modify the teachings of Swanson et al., as suggested by the Examiner, and the proposed modification is the result of nothing more than using the claimed invention as a blueprint to pick-and-choose isolated elements from the prior art. Accordingly, Claims 1-3 and 5-7 are patentable over the proposed modification of Swanson et al. for this reason alone. Even if Swanson et al. could be modified, as suggested by the Examiner, Claims 1-3 and 5-7 are patentable for at least the following reasons.

Claim 1 has been amended to clarify that the internal cavity of the water-tight splice housing is adapted to receive the first and second mechanical fiber optic splicers, the fiber optic patch, and the first and second ends of the fiber optic cable. Swanson et al. does not disclose this feature. Swanson et al. discloses two separate enclosures, neither of which is adapted to receive first and second mechanical fiber optic splicers, a fiber optic patch, and the two ends of the fiber optic cable. While the first enclosure 20 and the second enclosure 24 may each be adapted to enclose a one end of the fiber optic cable, neither enclosure is adapted to enclose both ends of the fiber optic cable, as well as first and second mechanical fiber optic splicers and a fiber optic patch. Accordingly, Claim 1, and Claims 2-7, which depend from Claim 1, are all patentable for at least these reasons.

Claims 8-12 and 14-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Swanson et al. in view of Yin et al. Applicants submit that there is no motivation or suggestion to combine the teachings of Swanson et al. and Yin et al., as suggested by the Examiner, and the proposed combination is the result of nothing more than using the claimed invention as a blueprint to pick-and-choose isolated elements from the prior art. Accordingly, Claims 8-12 and 14-21 are patentable over the proposed combination for this reason alone. Even if Swanson et al. could be properly combined with Yin et al., Claims 8-12 and 14-21 are patentable over the proposed combination for at least the following reasons.

Claims 8 and 17 both recite the act of “enclosing the fiber optic patch and portions of the first and second ends of the fiber optic cable within an internal cavity of a splice housing.” As explained above, Swanson et al. discloses using two separate enclosures to enclose portions of the fiber optic cable and portions of a patch. Accordingly, Swanson et al. does not disclose the act of “enclosing the fiber optic patch and portions of the first and second ends of the fiber optic

cable within an internal cavity of a splice housing.” Thus, Claims 8 and 17, and Claims 9-12, 14-16, and 18-21, which depend from Claims 8 and 17, are patentable over the proposed combination for at least these reasons.

In view of the above amendments and remarks, Applicants submit that this case is in condition for allowance. If the Examiner feels that a telephone interview would be helpful in resolving any remaining issues, the Examiner is respectfully invited to contact Applicants’ undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jason C. White", is written over a horizontal line.

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